

HOUSE BILL 2413  
By Kernell

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3, Part 13 and Title 63, Chapter 1, relative to criminal background checks.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding a new section thereto, as follows:

Section 63-1-145.

(a) Each board, council, committee or other governmental entity created pursuant to title 63 or title 68, chapters 24, 29 or 140, that authorizes persons to practice a health related profession in this state shall have the authority to establish, by duly promulgated rules and regulations, the procedures and criteria for requiring and obtaining criminal background checks for its applicants. The costs of criminal background checks shall be set by the board, council, committee or other governmental entity and shall be paid in full by applicants requiring such criminal background checks. Such board, council, committee or other governmental entity may utilize the Tennessee bureau of investigation or the federal bureau of investigation to conduct criminal background checks.

(b) Procedures and payments of costs associated with criminal background checks shall be governed by §§ 38-6-103 and 38-6-109.

(c) Criminal background checks shall include fingerprint checks against state and federal criminal records maintained by the Tennessee bureau of investigation and the federal bureau of investigation.

(d) Any board, council, committee or other governmental entity shall be immune from suit for declining to issue a license or certificate to practice based upon criminal background information received pursuant to this act.

(e) Initial rules promulgated pursuant to this act may be promulgated as public necessity rules pursuant to § 4-5-209(a)(4).

SECTION 2. Tennessee Code Annotated, Section 4-3-1304, is amended by adding a new subsection thereto, as follows:

(d)(1) Each board, council, committee or other governmental entity attached to the division of regulatory boards shall have the authority to establish, by duly promulgated rules and regulations, the procedures and criteria for requiring and obtaining criminal background checks for its applicants. The costs of criminal background checks shall be set by the board, council, committee or other governmental entity and shall be paid in full by applicants requiring such criminal background checks. Such board, council, committee or other governmental entity may utilize the Tennessee bureau of investigation or the federal bureau of investigation to conduct criminal background checks.

(2) Procedures and payments of costs associated with criminal background checks shall be governed by §§ 38-6-103 and 38-6-109.

(3) Criminal background checks shall include fingerprint checks against state and federal criminal records maintained by the Tennessee bureau of investigation and the federal bureau of investigation.

(4) Any board, council, committee or other governmental entity attached to the division of regulatory boards shall be immune from suit for declining to issue a license or certificate to practice based upon criminal background information received pursuant to this act.

(5) Initial rules promulgated pursuant to this act may be promulgated as public necessity rules pursuant to § 4-5-209(a)(4).

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

